

Rule 12. Transmission of the record.

(a) Duty of reporter to prepare and file transcript; request for enlargement of time; notice to appellate court.

(a)(1) Upon receipt of a request for a transcript, the court executive shall file with the clerk of the appellate court an acknowledgment that the request has been received and the date of its receipt. The court executive shall assign the preparation of the transcript to an official court reporter or, if recorded on video or audio equipment, to an official court transcriber in accordance with CJA 3-305. By stipulation of the parties approved by the appellate court, a person other than an official court transcriber may transcribe a recorded hearing. The transcript shall be completed and filed within 30 days of the assignment.

(a)(2) The reporter may request from the clerk of the appellate court an enlargement of time in which to file the transcript. The request for enlargement of time shall be in writing and shall contain the elements stated in CJA 5-201(1). If filed prior to the expiration of the transcript preparation period, the request shall make a showing of good cause. If filed after the expiration of the period, the request shall make a showing of extraordinary circumstances beyond the control of the reporter. The reporter shall provide a copy of the request to the parties. The clerk of the appellate court shall provide written notice of the disposition of the request for enlargement of time to the court reporter, the parties, and the court executive. If the reporter fails to file the transcript within the original or extended period of time, the clerk of the appellate court shall notify the court executive.

(a)(3) Upon completion of the transcript, if prepared by a certified court reporter, the reporter shall prepare an index of its contents and file it ~~the transcript and index~~ with the clerk of the trial court and notify the clerk of the appellate court that the transcript has been filed. At the request of the person ordering the transcript or at the request of the appellate court, the court reporter shall file the transcript in a compressed format that places multiple complete pages of the original transcript upon each page of compressed transcript. The compressed transcript shall retain the page and line numbers of the original transcript. A compressed transcript may be certified as a correct copy of the original.

(b) Transmittal of record on appeal to appellate court; duty of trial court clerk or agency clerk.

(b)(1) Duty of trial court clerk in criminal cases. In criminal cases, the record will be transmitted

30 by the clerk of the trial court to the clerk of the appellate court upon completion of the transcript
31 under paragraph (a) above or, if there is no transcript, within 20 days of the filing of the notice of
32 appeal. In cases where a party or a party's counsel notifies the court clerk in writing that the
33 presentence investigation report is relevant to an issue on appeal, the clerk shall include the sealed
34 presentence investigation report as part of the record.

35 (b)(2) Duty of trial court clerk in civil cases. In civil cases, unless otherwise ordered by the
36 appellate court, the record shall remain in the custody of the trial court clerk during the preparation
37 and filing of briefs.

38 (b)(2)(A) Transmit index. When the transcript is completed pursuant to paragraph (a) above, the
39 clerk of the trial court shall immediately transmit a certified copy of the index prepared pursuant to
40 Rule 11(b) to the clerk of the appellate court. If there is no transcript requested, the clerk of the trial
41 court shall transmit the index of the record to the clerk of the appellate court within 20 days, but not
42 sooner than 14 days, after the filing of the notice of appeal.

43 (b)(2)(B) Transmit record. Within 10 days from the date of notice from the clerk of the appellate
44 court that briefing is complete the clerk of the trial court shall transmit the papers, transcript and
45 exhibits in the appeal to the appellate court.

46 (b)(3) Duty of court clerk in juvenile court cases. In juvenile court cases, the record will be
47 transmitted by the juvenile court clerk to the clerk of the appellate court upon completion of the
48 transcript under paragraph (a) above or, if there is no transcript, within 20 days of the filing of the
49 notice of appeal.

50 (b)(4) Duty of clerk in agency cases. In agency cases, unless otherwise ordered by the appellate
51 court, the record shall remain in the custody of the agency during the preparation and filing of briefs.

52 (b)(4)(A) Transmit index. When the transcript is completed pursuant to paragraph (a) above, the
53 clerk shall immediately transmit a certified copy of the index prepared pursuant to Rule 11(b) to the
54 clerk of the appellate court. If there is no transcript requested, the clerk shall transmit the index of
55 the record to the clerk of the appellate court within 20 days, but not sooner than 14 days, after the
56 filing of the petition for review.

57 (b)(4)(B) Transmit record. Within 10 days from the date of notice from the clerk of the appellate
58 court that briefing is complete, the clerk shall transmit the papers, transcript and exhibits in the

59 appeal to the appellate court.

60 (b)(5) Transmission of exhibits. Documents of unusual bulk or weight, and physical exhibits
61 other than documents shall not be transmitted by the clerk of the trial court unless directed to do so
62 by a party or by the clerk of the appellate court. A party must make advance arrangements with the
63 clerks for the transportation and receipt of exhibits of unusual bulk or weight.

64 (c) Retention of the record in the trial court. If the record or any part of it is required in the trial
65 court beyond the time set forth in paragraph (b) of this rule, the trial court on its own motion or after
66 motion of a party may order the clerk of the trial court to retain the record or parts thereof subject to
67 the request of the appellate court. The clerk of the trial court shall transmit a copy of the order and of
68 the index and the portion of the record not retained by the trial court to the clerk of the appellate
69 court.

70 (d) Record for preliminary hearing in appellate court. If prior to the time the record is transmitted
71 the record is required in the appellate court, the clerk of the trial court at the request of any party or
72 of the appellate court shall transmit to the appellate court such parts of the original record as
73 designated.

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